

# TERRENI

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January 25, 2013

The Honorable Jocelyn G. Boyd  
Chief Clerk and Administrator  
Public Service Commission  
of South Carolina  
101 Executive Center Drive  
Columbia, South Carolina 29210

Re: Application of Tega Cay Water Service, Inc. Docket No. 2012-177-WS

Dear Ms. Boyd:

I am writing in response to the Office of Regulatory Staff's letter of January 24, 2013 opposing the objections and motions to strike certain testimony filed by Tega Cay Water Service, Inc. ("the Company") in the above referenced docket filed with the Commission on January 7, 2013 and January 21, 2013. The Commission's procedure for taking public testimony, one of the most liberal of any public utility commission in the country, is fair to all concerned.

When public testimony was taken in the present case, the Company proposed, without objection, to reserve all parties' objections and motions in the interests of efficiency and judicial economy. There were many witnesses in attendance at the public hearings. It would have been extremely time consuming if the parties had been required to make contemporaneous motions and objections to protect their rights in the record. Many of the public witnesses may have been deterred from testifying if the hearings had been drawn out by contemporaneous objections and argument between the parties. Even if the ORS's contention regarding customer's rights to make contemporaneous responses to objections at a hearing were correct, the Commission's procedure was a reasonable accommodation which maximized the available time for the receipt of public testimony and preserved the Company's right to due process.

The timing of the Company's motions was dictated by the availability of the transcripts. The transcript and exhibits from the December 3, 2012 hearing did not become available until January 2, 2013, and the transcript and exhibits of the public testimony given on January 8, 2013, was made available on January 15, 2013. The motions were filed within four business days of the transcripts being issued.

Many of the witnesses made detailed presentations, citing to a variety of sources and the Commission understandably gave them wide latitude in their testimony. The Company did not object to most of the testimony presented, even though there may be grounds for doing so. However, the Company is compelled to make substantive objections to some parts of the

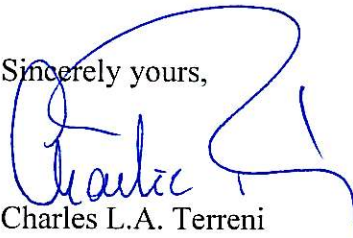
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testimony and exhibits which it finds particularly prejudicial. If the Commission were to reverse course at this point, and summarily overrule the Company's objections on the procedural grounds now urged by the ORS, it would deny the Company a meaningful opportunity to respond to the customer testimony and violate its due process rights. See Utilities Services of South Carolina, Inc. v. South Carolina Office of Regulatory Staff, 392 S.C. 96, 708 S.E.2d 755 (2011).

Please let me know if the Commission desires any further comment on this matter.

With best wishes, I am,

Sincerely yours,



Charles L.A. Terreni

c: B. Randall Dong, Esq.  
Jeffrey M. Nelson, Esq.  
Shannon B. Hudson, Esq.  
The Hon. Robert W. Hayes, Jr.  
The Hon. Ralph W. Norman  
Ms. Linda Stevenson  
Ms. Lisa Sparrow

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**

**DOCKET NO. 2012-177-WS**

IN RE: Application of Tega Cay Water     )  
      Service, Inc. for adjustment of     )  
      rates and charges and modifications   )  
      to certain terms and conditions     )  
      for the provision of water and sewer   )  
      service                                 )

**CERTIFICATE  
OF  
SERVICE**

This is to certify that I, Debra Covington, on January 25, 2013, caused to be served upon the person(s) named below a copy of a Letter to the Honorable Jocelyn G. Boyd, Chief Clerk and Administrator, Public Service Commission of South Carolina in response to the Office of Regulatory Staff's letter of January 24, 2013, opposing the objections and motions to strike certain testimony filed by Tega Cay Water Service, in regards to the above matter on the person(s) named below, by email, to the following E-Mail address:

Jeffrey M. Nelson, Esquire  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201  
**Email Address:** [jnelson@regstaff.sc.gov](mailto:jnelson@regstaff.sc.gov)

Shannon B. Hudson , Esquire  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201  
**Email Address:** [shudson@regstaff.sc.gov](mailto:shudson@regstaff.sc.gov)

Dated at Columbia, South Carolina this 25th of January, 2013.

  
Debra Covington